

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the February 24, 2010 final Office action and have amended the application to more clearly set forth aspects of the invention. Claims 1, 2, 6–11, 13, 14, 20–22 and 27–36 are presented in the application for further examination. Claims 1, 14, 22 and 36 have been amended by this Amendment F. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

Claim Rejections under 35 U.S.C. § 102

Claims 1–2, 6–11, 13–14, 20–22 and 27–36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 2004/0002972 A1 (hereinafter “Pather”). Applicants respectfully disagree and submit that Pather does not disclose each and every element of the claims.

Advantageously, Applicants permit a **content provider** to provide a parameter-driven template for a specified category of notifications, where one of the parameters specifies the **times of day notifications are to be delivered to subscribers**. In this manner, events can be received on a recurring basis, while the notifications relating to the events are generated at the predefined times. (*See* Specification, [0039]). For example, a content provider could provide a parameter-driven template for stock price changes. (*See* Specification, [0002]). Since stock price change events may occur very rapidly over a short period of time, the content provider can specify that notification generated should only occur at 9:00 A.M., 10:00 A.M., 11:00 A.M., etc.

Amended independent claim 1 is directed to a method of generating notifications in a notifications system, with the notifications system being configured to provide notifications to subscribers via a data communication network. These notifications contain content provided by one or more content providers. The method comprises, among other things, receiving a parameter-driven template provided by a content provider," . . . said template containing one or more **parameters specified by the content provider**, said parameters defining a plurality of events specified by the content provider and relating to the specified category, each of said events comprising a recurring event specified by the content provider". The parameters of amended claim 1 relate to a subscription for notifications and "specify a predefined scheduled generation time for the generation of notifications to occur, **wherein one of the parameters in**

the received parameter-driven template relates to delivery of the generated notifications at a predetermined time of day specified by the content provider. . ." Amended claim 1 further recites, among other things, "enabling a notifications application based on the **received template**", where enabling the notifications application based on the received template includes creating an application definition file that describes the notifications application. According to aspects of the recited method, the notifications application then executes on a recurring basis to generate a notification in accordance with the predefined scheduled generation time specified by the received parameter-driven template parameters, "wherein the generated notification is delivered to the subscribers of the specified category on a recurring basis in accordance with the time of day delivery parameter specified by the received parameter-driven template".

The Office asserts that Pather discloses the method of independent claim 1. Contrary to the Office's assertions, however, Pather does not disclose the elements recited in amended claim 1. Pather describes its invention as a method and system for providing a notification system. (*See* Pather, Abstract; [0006]). According to Pather, its notification system supplies "subscription templates" to subscribers, where the subscription templates are based on a common set of structures. (*See* Pather, [0117]). Each subscriber customizes their template to specify the types of data they are interested in and the customized templates are then treated as parameter data – "[t]his is a foundation of the notification system-programming framework of the present invention". (*See* Pather, [0069]; [0072]; [0117]). In other words, Patther does not disclose receiving a parameter-driven template provided by a content provider, but instead merely describes supplying a generic subscription template to subscribers for customization. In fact, Pather teaches away from the method recited in amended claim 1, as Pather indicates that its system matches new events with the subscriber-customized template by using a database join, i.e., the subscriber-customized template is utilized after new events have been received (*see* Pather, [0117]), whereas amended independent claim 1 recites "enabling a notifications application based on the **received template**" and then "executing the notifications application on a recurring basis to generate a notification in accordance with the predefined scheduled generation time specified by the **received parameter-driven template** parameters". Due to these deficiencies, Applicants respectfully submit that paragraph [0117] of Pather "alones (sic) is evidence enough to teach [a] 'parameter-driven' template (*see* Office action dated February 24, 2010, page 14, lines 6–7), as the subscriber-customized template describe is not used in the

generation of events, but instead is used after new events have arrived. As such, Pather does not disclose these elements of amended independent claim 1.

The Office further asserts that Pather discloses that one of the parameters specified by the content provider relates to the delivery of the notifications at a predetermined time of day. Applicants respectfully disagree. First and foremost, Applicants again submit that Pather does not disclose a parameter-driven template provided by a content provider, as noted above, and therefore Pather does not disclose "said template containing one or more parameters specified by the content provider" as recited in amended claim 1. Furthermore, the Office appears to imply that Pather does not, in fact, explicitly disclose a parameter that relates to delivery of the generated notifications at a predetermined time of day specified by the content provider, but only that "[f]or at least these citations it is *evident enough*. . ." that Pather discloses these elements. (See Office action, page 15, lines 15–17). The cited portions, however, do not disclose a parameter "in the received parameter-driven templates [that] relates to **delivery** of the **generated notifications** at a **predetermined time of day** specified by the **content provider**. . ." Paragraph [0016] in Pather merely discloses a user profile that are editable by the user, while paragraph [0017] indicates that alerting the user may also consider user entries in the user's calendar compared to the current time of day. While paragraph [0068] of Pather indicates that a "stock price at a specific time can be an event", such a statement merely describes a possible event in the Pather system, but does not disclose or even suggest the **delivery** of a generated notification at a **predetermined time of day** specified by the content provider as recited in amended claim 1. Additionally, paragraph [0079] does not even disclose **delivering** generated notifications to subscribers at a **predetermined time of day**, but instead *merely* describes a scheduled event provider that runs and enters new event data into the database and then hibernates until a next trigger time. In paragraph [0089], Pather merely allows a user to specify that, at a given time, the user prefers to be notified via pager, but does not disclose enabling a notifications application to deliver generated notifications at a predetermined time of day **specified by the content provider**. Finally, Pather indicates at paragraph [0016] that "other subscriptions are schedule-based, meaning that the subscriptions are evaluated at specific times", where "evaluating" means "simply executing a database join between new events that have arrived and a large set of subscriptions". (See Pather, [0117]). In other words, Pather describes identifying, at a specified times, new events that match the customized templates provided to the subscribers, but does not

disclose "parameters in the received parameter-driven template relates to **delivery** of the generated notifications **at a predetermined time of day specified by the content provider**" as recited in amended claim 1. As a result of these deficiencies, Applicants respectfully submit that the various cited portions of Pather do not in fact disclose or even suggest these elements of amended independent claim 1 as asserted by the Office.

In view of the foregoing, Applicants submit that amended independent claim 1 and its dependent claims 2, 6–11 and 13 are allowable over Pather for at least the reasons given above and the rejection of claims 1, 2, 6–11 and 13 under 35 U.S.C. § 102(e) should be withdrawn.

Amended independent claim 14 is directed to a computer-readable storage medium having a data structure stored thereon, with the data structure defining an application for use in a notifications system. The notifications system is configured to execute the defined application for providing notifications to subscribers via a data communication network, with notifications containing content provided by one or more content providers. Applicants submit that the Pather does not disclose every element of amended independent claim 14 for the same essential reasons given above for the allowance of amended independent claim 1. For example, amended independent claim 14 recites, among other things, "a scenario template configured to contain information for defining the application, said scenario template having one or more parameters specified by the **content provider** and relating to a subscription for notifications". Pather does not disclose a scenario template having **parameters specified by the content provider**, but instead discloses a system that provides a common "subscription template" to subscribers for customization, where the customized templates are treated as parameter data. (*See* Pather, [0072]; [0117]). Similar to amended independent claim 1 above, Pather in fact teaches away from a "scenario template having one or more parameters specified by the content provider and relating to a subscription for notifications" and ". . . **generating a notification** for the recurring event in accordance with a predefined scheduled time specified for notification generation **by the scenario template parameters**", as Pather does not use its subscriber-customized template in the generation of events but instead utilizes the templates after new events have arrived. (*See* Pather, [0117]). As such, Pather does not disclose these elements as asserted by the Office

Amended independent claim 14 also recites "a **delivery component** for routing the notification to the subscribers of the specified category related to the event, wherein the

notification is routed to the subscribers of the specified category in accordance with **a time of day delivery parameter** specified by the scenario template parameters". As noted above, Pather does not disclose delivery notifications at a time of day specified by the content provider in the template parameters, but instead discloses a user profile that are editable by the user (*see* Pather, [0016]), user alerts that consider user entries in the user's calendar compared to the current time of day (*see* Pather, [0017]), events that indicate a "stock price at a specific time" (*see* Pather, [0068]), a scheduled event provider that runs and enters new event data into the database and then hibernates until a next trigger time (*see* Pather, [0069]), a user preference for notifying a user via pager at a certain time of day (*see* Pather, [0089]), and "schedule-based" subscriptions that are "evaluated at specific times", where evaluating means "simply executing a database join between new events that have arrived and a large set of subscriptions" to identifying, at a specified times, new events that match the customized templates provided to the subscribers (*see* Pather, [0116]–[0117]). Applicants respectfully submit that none of cited portions of Pather disclose "wherein the notification is routed to the subscribers of the specified category in accordance with **a time of day delivery parameter specified by the scenario template parameters**" as recited in amended claim 14. As a result of these deficiencies, Applicants respectfully submit that Pather does not disclose or even suggest every element of amended independent claim 14 as asserted by the Office.

In view of the foregoing, Applicants submit that amended independent claim 14 and its dependent claims 20 and 21 are allowable over Pather for at least the reasons given above and the rejection of claims 14, 20 and 21 under 35 U.S.C. § 102(e) should be withdrawn.

Amended independent claim 22 is directed to a system configured for generating and delivering notifications to subscribers via a data communication network, with the notifications containing content provided by one or more content providers. Applicants submit that Pather does not disclose every element of amended independent claim 22 for the same essential reason give above for the allowance of amended independent claims 1 and 14. For example, amended independent claim 22 recites, among other things, "a computing device coupled to a data communication network and configured to receive . . . a parameter-driven **template provided by a content provider**" Pather does not disclose a parameter-driven template having parameters **specified by the content provider**, but instead discloses a system that provides a

common "subscription template" to subscribers for customization, where the customized templates are treated as parameter data. (*See* Pather, [0072]; [0117]). Similar to amended independent claim 1 above, Pather in fact teaches away from a "template containing one or more parameters specified by the content provider" and:

a computer-readable medium storing computer-executable instructions to be executed on the computing device to **enable a notifications application based on the template**, said notifications application mapping the latest recurring event to one or more subscribers as a function of the parameters specified by the content provider on a recurring basis **in accordance with the predefined scheduled generation time defined by the parameter-driven template parameters**, wherein the notification is generated based on matching the latest recurring event of the specified category with subscribers of the specified category. . .

as recited in amended claim 22, as Pather does not use its subscriber-customized template in the generation of events but instead utilizes the templates after new events have arrived. (*See* Pather, [0117]). As such, Pather does not disclose these elements as asserted by the Office. Amended independent claim 22 also recites ". . . wherein the generated notification is **delivered** to the subscribers in accordance with the **time of day** delivery parameter **specified by the received parameter-driven template parameters**". As noted above, Pather does not disclose delivery notifications at a time of day specified by the content provider in the template parameters, but instead discloses a user profile that are editable by the user (*see* Pather, [0016]), user alerts that consider user entries in the user's calendar compared to the current time of day (*see* Pather, [0017]), events that indicate a "stock price at a specific time" (*see* Pather, [0068]), a scheduled event provider that runs and enters new event data into the database and then hibernates until a next trigger time (*see* Pather, [0069]), a user preference for notifying a user via pager at a certain time of day (*see* Pather, [0089]), and "schedule-based" subscriptions that are "evaluated at specific times", where evaluating means "simply executing a database join between new events that have arrived and a large set of subscriptions" to identifying, at a specified times, new events that match the customized templates provided to the subscribers (*see* Pather, [0116]–[0117]). Applicants respectfully submit that none of cited portions of Pather disclose "wherein the notification is routed to the subscribers of the specified category in accordance with **a time of day delivery parameter specified by the scenario template parameters**" as recited in amended claim 22. As a result of these deficiencies, Applicants respectfully submit that Pather

does not disclose or even suggest every element of amended independent claim 22 as asserted by the Office.

In view of the foregoing, Applicants submit that amended independent claim 22 and its dependent claims 27–35 are allowable over Pather for at least the reasons given above and the rejection of claims 22 and 27–35 under 35 U.S.C. § 102(e) should be withdrawn.

Amended independent claim 36 is directed to a notification system for generating and delivering notifications to subscribers, with the notifications containing content provided by one or more content providers. Applicants submit that Pather does not disclose every element of amended independent claim 36 for the same essential reason give above for the allowance of amended independent claims 1, 14 and 22. For example, amended independent claim 36 recites, among other things, a “computing device being configured to **receive a parameter-driven template provided by a content provider . . .**” Pather does not disclose a parameter-driven template having **parameters specified by the content provider**, but instead discloses a system that provides a common "subscription template" to subscribers for customization, where the customized templates are treated as parameter data. (*See* Pather, [0072]; [0117]). Similar to amended independent claims 1, 14 and 22 above, Pather in fact teaches away from a "template containing one or more parameters specified by the content provider" and "a computer-readable medium storing computer-executable instructions to be executed on the computing device to **enable a notifications application** to execute on a recurring basis according to the predefined scheduled generation time for the **generation** of notifications to occur included in the application definition file" as recited in amended claim 36, as Pather does not use its subscriber-customized template in the generation of events but instead utilizes the templates after new events have arrived. (*See* Pather, [0117]). As such, Pather does not disclose these elements as asserted by the Office. Amended independent claim 36 also recites ". . . said notifications application **delivering** the notification to the subscribers in accordance with the **time of day** delivery parameter included in the application definition file" generated from the received parameter-driven template provided by the content provider. As noted above, Pather does not disclose delivery notifications at a time of day specified by the content provider in the template parameters, but instead discloses a user profile that are editable by the user (*see* Pather, [0016]), user alerts that consider user entries in the user's calendar compared to the current time of day

(*see* Pather, [0017]), events that indicate a "stock price at a specific time" (*see* Pather, [0068]), a scheduled event provider that runs and enters new event data into the database and then hibernates until a next trigger time (*see* Pather, [0069]), a user preference for notifying a user via pager at a certain time of day (*see* Pather, [0089]), and "schedule-based" subscriptions that are "evaluated at specific times", where evaluating means "simply executing a database join between new events that have arrived and a large set of subscriptions" to identifying, at a specified times, new events that match the customized templates provided to the subscribers. Applicants respectfully submit that none of cited portions of Pather disclose "wherein the notification is routed to the subscribers of the specified category in accordance with **a time of day delivery parameter specified by the scenario template parameters**" as recited in amended claim 36. As a result of these deficiencies, Applicants respectfully submit that Pather does not disclose or even suggest every element of amended independent claim 36 as asserted by the Office.

In view of the foregoing, Applicants submit that amended independent claim 36 is allowable over Pather for at least the reasons given above and the rejection of claim 36 under 35 U.S.C. § 102(e) should be withdrawn.

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested.

Applicants note that this pending application and Pather are co-owned by Microsoft Corporation so that under 35 U.S.C. § 103(c), Pather does not qualify as prior art under 35 U.S.C. § 103(a).

Although the art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the claims. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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